

CASE # 57818-2-11 / state V. Hutchins

Included is my Statement of Additional
Grounds. Today is MARCH 30, 2023 to
meet the courts extension date to and
including April 7, 2023.

Thank you J Michael Hutchins

FILED
COURT OF APPEALS
DIVISION II
2023 APR -5 PM 2:00
STATE OF WASHINGTON
BY 
DEPUTY

Court of Appeals
DIVISION TWO

of the State of Washington

FILED
COURT OF APPEALS
DIVISION II

2023 APR -5 PM 2:00

STATE OF WASHINGTON

State of Washington
Respondent.

No. 57818-2-11

v.

J. Michael Edward Hutchins
Appellant.

Statement of Additional
Grounds for Review

I, J. Michael E. Hutchins, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the courts will review this statement of Additional Grounds for review when my appeal is considered on the merits.

Additional Ground 1

The state breached its contract in making its recommendation to the judge.

I signed a document called Statement on Plea of Guilty. On page 4 of 12 it states -

The prosecuting Attorney will make the following recommendation to the judge:

In both cause no. linked to this appeal in the recommendation reads:

"State not opposed to Prison Based DOSA of...¹¹"

Due to my unsound mind at my hearing I've relied on the record transcripts to prove this injustice. Also an injustice of this magnitude can be objected first on appeal. On the record the court reads the recommendation:

The Court: They (the state) won't oppose the prison based DOSA.

On the record the state acts in opposition of DOSA both directly by asking for "NOT A DOSA" and indirectly:

The STATE: The state just, I -- the state just believes he just -- he just needs to go and do his time. He's a fairly young man. He can do his time.

• Among other comments not prompted by the court's. The recommendation was undercut and breached when he undermined the agreement by effectively advocating in opposition to a DOSA sentence.

Plea Agreements are governed by contract principles, and an appellate court must construe the plea agreement according to what defendant reasonably understood.

I had no reason to understand the state was opposed to DOSA based on:

- The state said they went in both recommendations
- I wrote prosecutors office asking for a DOSA rite before the recommendation was given
- My D.A.C. attorney said he wasn't opposed to DOSA
- 2 State Agency's came and screened me to qualify for NSA

The courts let the state change the written recommendation on record verbally after my understandings were signed and asked.

The courts: You're just not opposing the defense arguing for a specific sentence?

The state: Correct... They can ask for whatever they want and were not agreeing in that.

Once again opposing DOSA by not agreeing with it. This again is after he made any attempt to clarify this to me. The agreement is between defendant and prosecutor. The judge never asked if this is how I understood it.

The state could have easily made its intentions clear when writing the recommendation. Not being opposed and not being opposed to "ask for whatever they want" are different. The court should have enforced the plea recommendation how it was wrote for the plea to have been voluntary.

Additional Ground 2

The record does not reflect the plea was entered voluntarily.

CrR 4.2 (d) Provides procedural safeguards to protect defendants Constitutional rights upon entry of guilty plea.

(2) However, when a defendant makes oral statement at the plea hearing that contradict the signed statement of guilt, the plea is not knowingly and voluntarily made. In such a case the courts should question the defendant further to clarify the ambiguity.

Oral Statements I made at plea hearing:

Mr. Hutchins: I've got some mental health issues, Your Honor. And when I'm on my medications, significantly help.

Mr. Hutchins: I feel like if I would have had a mental health evaluation and could have been on medications I could have made a better decision of what was going on.

the decision being to plea guilty.

Never throughout the hearing did the courts question my mental state although my mental illness was mentioned

throughout the hearing by all my parties. The courts never questioned or showed concern to my oral statements. I Rited mental health, wrote my DAC attorney, the courts, and prosecutors explaining my long history of documented mental illness and wanting to have my prescriptions refilled.

These letters, kites, and provider information are mentioned on record and can be provided.

Self medicating with meth only made my illness worse.

My untreated mental health issues reached extreme measures on the day of my hearing and impaired my decision to plea. I felt helpless.

Once in DOC custody and seen by mental health I was immediately put on medications to treat:

panic attacks, social anxiety problems, depression, post-traumatic stress, and Adhd

I'm asking the courts to please vacate my guilty pleas or go back to sentencing and enforce the plea agreement on both cause numbers related to court of Appeals no. 578182 and no. 578301.

MARCH 30, 2023

JME DHT